



PETITION UNDER 37 CFR 1.78(a)(3) or (6) FOR THE ACCEPTANCE OF AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 119(e), 120, 121, OR 365(c) Attorney's Docket No. 5532P007

First named inventor: Craig M. Janik

Application No.: 09/945,018

Group Art Unit: 2644

Filed: September 1, 2001

Examiner: Grier, Laura A.

Title: AUDIO CONVERTER DEVICE AND METHOD FOR USING THE SAME

Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

The above-identified

☐ National ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

application failed to contain a reference to a prior filed co-pending application \_\_\_\_\_  
(application no.)

for a claim under 35 U.S.C. 120, 121, or 356(c) for the benefit of the prior filed application by either inclusion in an application data sheet or amendment of the specification to contain such reference in the first sentence following the title, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application.

OR

The above-identified

☒ Nonprovisional

application failed to contain a reference to a prior filed co-pending provisional application 60/230,530  
(application no.)

for a claim under 35 U.S.C. 119(e) for the benefit of the prior filed provisional application by either inclusion in an application data sheet or amendment of the specification to contain such reference in the first sentence following the title, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior provisional application.

APPLICANT HEREBY PETITIONS TO AMEND THE FIRST SENTENCE, FOLLOWING THE TITLE, OF THE SPECIFICATION OF THIS APPLICATION TO CLAIM PRIORITY TO THE PRIOR APPLICATION 60/230,530  
(application no.)

NOTE: A grantable petition requires the following items:

- (1) The surcharge fee set forth in § 1.17(t); and
- (2) A statement that the entire delay was unintentional.



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(1) Fee

☒ Fee \$1370.00 (37 CFR 1.17(l))

(2) Statement

The entire delay between the date the claim was due under §1.78(a)(2) or §1.78(a)(5) and the date this claim is being filed was unintentional.

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: October 29, 2004

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By completing the Certificate of Mailing, below, the date mailed will be considered the date this correspondence is filed.

**CERTIFICATE OF MAILING [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

10/29/04

Date

Signature

ESTHER CAMPBELL

Typed or printed name of person signing Certificate